

3. Purpose of use	4. Place of use	Projected Section	Township	Range	Base and Meridian	Acres
Fire protection Recreation Stockwatering	At Unnamed Reservoir NW¼ of NE ¼	18	8N	9W	MD	
Frost protection Irrigation	SE¼ of SE¼	7	8N	9W	MD	20
	SW¼ of NE ¼	17	8N	9W	MD	17
	NW¼ of NE ¼	17	8N	9W	MD	9.5
	NE¼ of NW ¼	17	8N	9W	MD	7
	SE¼ of NW ¼	17	8N	9W	MD	4.5
	NW¼ of NW ¼	17	8N	9W	MD	2
					TOTAL	60

The place of use is shown on map on file with the SWRCB.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed the following: 1) 0.65 cubic feet per second (cfs) direct diversion from May 1 to November 1 for irrigation purposes; 2) 0.65 cfs direct diversion from January 1 to December 31 for stockwatering and fire protection purposes; 3) 0.65 cfs diversion to offstream storage from November 1 of each year to May 1 of the succeeding year; 4) storage of 23 acre-feet per annum (afa) to be collected from December 15 of each year to March 31 of the succeeding year. The combined total of 3) and 4) shall not exceed 28 afa for irrigation, frost protection, stockwatering, and recreation. The total direct diversion rate POD #1 shall not exceed 0.65 cfs. The total amount of water to be taken from the sources for all such uses shall not exceed 166 acre-feet per water year of October 1 to September 30.

(000005GM)

6. The maximum rate of diversion to offstream storage shall not exceed 0.65 cubic feet per second.

(0000005J)

7. Complete application of the water to the authorized use shall be made by December 31, 2010.

(0000009)

8. The SWRCB reserves jurisdiction to impose conditions to conform this permit to SWRCB policy on use of water for frost protection. Action by the SWRCB will be taken only after notice to interested parties and opportunity for hearing.

(0000020)

9. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion.

(0000022)

10. The equivalent of the authorized continuous flow allowance for any 30-day period may be diverted in a shorter time, provided there is no interference with other rights and instream beneficial uses, and provided further that all terms and conditions protecting instream beneficial uses are observed.

(0000027)

11. Permittee shall install and maintain an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel in order that water entering the reservoir which is not authorized for appropriation under this permit can be released. Before starting construction, permittee shall submit plans and specifications of the outlet pipe, or alternative facility, to the Chief of the Division of Water Rights for approval. Before storing water in the reservoir, permittee shall furnish evidence which substantiates that the outlet pipe has been installed in the dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer.

(0050043A)

12. Permittee shall install and maintain devices satisfactory to the SWRCB to measure the rate and quantity of water diverted into the reservoir from Russian River, and water released from or flowing out of the reservoir.

(0060046)

13. In accordance with section 1601, 1603, and/or section 6100 of the Fish and Game Code, no work shall be started on the diversion works and no water shall be diverted under this permit until permittee has entered into a stream or lake alteration agreement with the California Department of Fish and Game and/or the Department has determined that measures to protect fishlife have been incorporated into the plans for construction of such diversion works. Construction, operation, and maintenance costs of any required facility are the responsibility of the permittee.

(0000063)

14. Permittee shall, for the protection of oak woodland, plant a minimum of three oaks for every one oak tree removed. The number of trees to be initially planted does not need to exceed 50. Trees shall be native to Sonoma County and planted according to revegetation program in cooperation with the

Department of Fish and Game. Permittee shall maintain the trees such that a survival rate of at least 75 percent is achieved at the end of a five-year period. If the survival rate of 75 percent is not obtained, new trees shall be planted. Any new trees planted shall also be subject to the 75 percent/five-year survival rate.

(0120500)

15. Permittee shall, prior to construction, obtain the required Sonoma County grading permit. Prior to any grading, permittee shall submit to the Chief of the Division of Water Rights, SWRCB, an erosion control plan approved by the County of Sonoma.

(0490300)

16. Permittee shall contact the U.S. Army Corps of Engineers to obtain any applicable permit for project activities that impact jurisdictional wetlands pursuant to section 404 et. seq. of the Clean Water Act. Copies of such permits or waivers shall be forwarded to the Chief, Division of Water Rights.

(0490301)

17. Availability of water for appropriation under this permit during the critical period of approximately July 1 through October 31 is dependent upon water remaining available under the 10,000 acre-foot per annum allocation of water from Lake Mendocino for use in the Russian River Valley in Sonoma County. If subsequent studies show that the above-mentioned allocation has been fully used before use is completed under this permit, a license shall be issued only for the amount of water, if any, which has been put to use under this permit and which is included in the allocation.

(0000081)

18. This permit is subject to prior rights. Permittee is put on notice that, during some years, water will not be available for diversion during portions or all of the season authorized herein. The annual variations in demands and hydrologic conditions in the Russian River are such that, in any year of water scarcity, the season of diversion authorized herein may be reduced or completely eliminated by order of the SWRCB, made after notice to interested parties and opportunity for hearing.

(0000090)

19. In order to prevent degradation of the quality of water during and after construction of the project, prior to commencement of construction, permittee shall file a report pursuant to Water Code section 13260 and shall comply with all waste discharge requirements imposed by the California Regional Water Quality Control Board, North Coast Region, or by the SWRCB.

(0000100)

ALL PERMITS ISSUED BY THE STATE WATER RESOURCES CONTROL BOARD ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

- (A) Permittee shall maintain records of the amount of water diverted and used to enable SWRCB to determine the amount of water that has been applied to beneficial use pursuant to Water Code section 1605.
- (B) The amount authorized for appropriation may be reduced in the license if investigation warrants.
- (C) Progress reports shall be submitted promptly by permittee when requested by the SWRCB until a license is issued.
- (D) Permittee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by said SWRCB, reasonable access to project works to determine compliance with the terms of this permit.
- (E) Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity

for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

(F) The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the SWRCB if, after notice to the permittee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(G) This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain an incidental take permit prior to construction or operation. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or

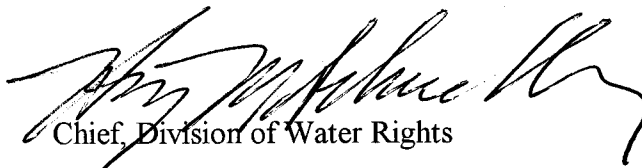
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any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: JAN 13 2000

STATE WATER RESOURCES CONTROL BOARD


Chief, Division of Water Rights